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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Merck Patent GmbHApplication No./Patent No.: 10/563,830 Filed/Issue Date: January 6, 2006Entitled: MALONAMIDE DERIVATIVESMerck Patent GmbH, a Corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

- A ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
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☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

R. J. Kamis

Signature

January 25, 2007

Date

Ronald J. Kamis Reg. No. 41,104

Printed or Typed Name

(202) 312-7440

Telephone Number

Attorney of Applicant

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Attorney Docket No.:

**ASSIGNMENT AND AGREEMENT**

**WHEREAS, . David Bruge; Hans-Peter Buchstaller; Matthias Wiesner; Dirk Finsinger; Manfred Baumgarth; Christian Sirrenberg; Frank Zenke; Christiane Amendt; Matthias Grell** (hereinafter referred to singly and collectively as "ASSIGNOR") have invented a certain invention entitled

**[Title] MALONAMIDE DERIVATIVES**

for which an application for United States Letters Patent was filed on **18.06.2004** as Application No.PCT/EP2004/006573; and

**WHEREAS, Merck Patent GmbH**, having its principal place of business at **Frankfurter Strasse 250, 64293 Darmstadt, Germany** (hereinafter referred to as "ASSIGNEE") is desirous of acquiring the entire interest therein;

**NOW THEREFORE**, in view of good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, ASSIGNOR has sold, assigned, and transferred, and by these presents hereby sells, assigns, and transfers, unto ASSIGNEE, its successors and assigns, the full and exclusive right, title, and interest in and to (a) the above-identified invention or inventions and all improvements and modifications thereof, (b) the above-identified application and all other applications for Letters Patent of the United States and countries foreign thereto for the above-identified invention or inventions and all improvements and modifications thereof, (c) all Letters Patent which may issue from said applications in the United States and countries foreign thereto, (d) all divisions, continuations, reissues, and extensions of said applications and Letters Patent, and (e) the right to claim for any of said applications the full benefits and priority rights under the International Convention and any other international agreement to which the United States adheres; such right, title, and interest to be held and enjoyed by ASSIGNEE, its successors and assigns, to the full end of the term or terms for which any and all such Letters Patent may be granted as fully and entirely as would have been held and enjoyed by ASSIGNOR had this Assignment not been made.

**ASSIGNOR HEREBY AUTHORIZES AND REQUESTS** the Commissioner of Patents and Trademarks to issue said Letters Patent to ASSIGNEE as assignee of the entire interest, for the sole use and benefit of ASSIGNEE, its successors and assigns.

**ASSIGNOR HEREBY AGREES** (a) to communicate to ASSIGNEE, its successors and assigns, or their representatives or agents, all facts and information known or available to ASSIGNOR respecting said invention or inventions, improvements, and modifications including evidence for interference, reexamination, reissue, opposition, revocation, extension, or infringement purposes or other legal, judicial, or administrative proceedings, whenever requested by ASSIGNEE; (b) to testify in person or by affidavit as required by ASSIGNEE, its successors and assigns, in any such proceeding in the United States or a country foreign thereto; (c) to execute and deliver, upon request by ASSIGNEE, all lawful papers including, but not limited to, original, divisional, continuation, and reissue applications, renewals, assignments, powers of attorney, oaths, affidavits, declarations, depositions; and (d) to provide all reasonable assistance to ASSIGNEE, its successors and assigns, in obtaining and enforcing proper title in

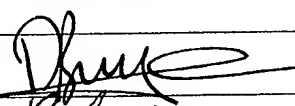
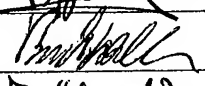
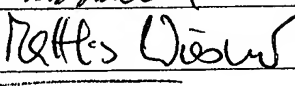
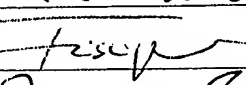
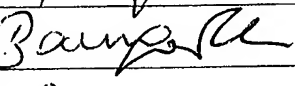
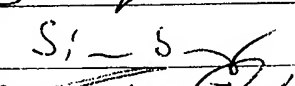
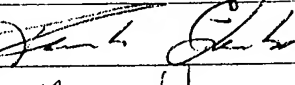
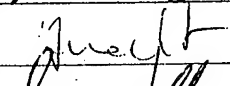

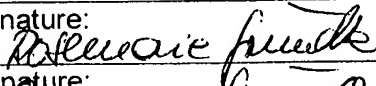
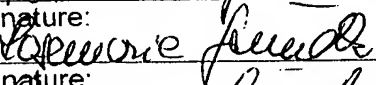
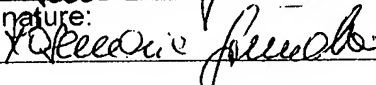
Attorney Docket No.:

and protection for said invention or inventions, improvements, and modifications under the intellectual property laws of the United States and countries foreign thereto.

ASSIGNOR HEREBY REPRESENTS AND WARRANTS that ASSIGNOR has the full and unencumbered right to sell, assign, and transfer the interests sold, assigned, and transferred herein, and that ASSIGNOR has not executed and will not execute any document or instrument in conflict herewith.

ASSIGNOR HEREBY GRANTS to the law firm of **Heller Ehrman White & McAuliffe** the power and authority to insert in this Assignment any further identification which may be necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

ASSIGNOR UNDERSTANDS AND AGREES that the attorneys and agents of the law firm of **Heller Ehrman White & McAuliffe** do not personally represent ASSIGNOR or ASSIGNOR's legal interests, but instead represent the interests of ASSIGNEE; since said attorneys and agents cannot provide legal advice to ASSIGNOR with respect to this Assignment, ASSIGNOR acknowledges its right to seek its own independent legal counsel.

NAMES AND SIGNATURES OF INVENTORS		
Name: BRUGE, David	Signature: 	Date: 28.10.05
Name: BUCHSTALLER, Hans-Peter	Signature: 	Date: 28.10.05
Name: WIESNER, Matthias	Signature: 	Date: 28.10.05
Name: FINSINGER, Dirk	Signature: 	Date: 28.10.05
Name: BAUMGARTH, Manfred	Signature: 	Date: 28.10.05
Name: SIRRENBURG, Christian	Signature: 	Date: 28.10.05
Name: ZENKE, Frank	Signature: 	Date: 28.10.05
Name: AMENDT, Christiane	Signature: 	Date: 28.10.05
Name: GRELL, Matthias	Signature: 	Date: 28.10.05
NAMES AND SIGNATURES OF WITNESSES		
Name: GRUNDKE, Rosemarie	Signature: 	Date: 28.10.05
Name: GRUNDKE, Rosemarie	Signature: 	Date: 28.10.05
Name: GRUNDKE, Rosemarie:	Signature: 	Date: 28.10.05

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Name: GRUNDKE, Rosemarie	Signature: <i>Rosemarie Grundke</i>	Date: 28.10.05
Name: GRUNDKE, Rosemarie	Signature: <i>Rosemarie Grundke</i>	Date: 28.10.05
Name: GRUNDKE, Rosemarie	Signature: <i>Rosemarie Grundke</i>	Date: 28.10.05
Name: GRUNDKE, Rosemarie	Signature: <i>Rosemarie Grundke</i>	Date: 28.10.05
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